

REMARKS

Claims 3-5, 8, and 9 are pending. By this Response, claims 3-5, 8, and 9 are amended and claims 1 and 6 are cancelled. Applicant respectfully requests reconsideration and allowance based on the above amendments and below comments.

General Comments

Applicant notes that the filing of this Response with an RCE is made to avoid a non-responsive abandonment to the Final Office Action dated March 29, 2004. Applicant notes that this Response was originally filed on June 29, 2004. However, because of USPTO delays in processing responses, particularly After Final Responses, the Response filed on June 29, 2004 has not yet been received by the Examiner and thus remains unexamined. Applicant notes that individuals in the Director's Office and the office in charge of the information file wrappers (IFW) stated that scanning of received responses into the IFW system is six (6) months behind which is the reason for the delay. Applicant submits that the delay has caused applicant to pay further fees such as the extension fees and the fee for filing the RCE which may not have been necessary.

Applicant also notes that the amendments to the claims in the Response raises a new issue in the application. Based on the fact that a new issue is raised and the above-noted USPTO deficiencies, it would not be proper to respond

to this Reply with a Final first action. Applicant has also enclosed an interview request letter requesting an interview prior to receipt of a first action.

Prior Art Rejection

The Office Action rejects claims 1, 3-6, 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Toyofuku, et al. (U.S. 2001/0048465) in view of Suzuki (U.S. Patent No. 5,724,579). This rejection is respectfully traversed.

Toyofuku teaches a photographing device that allows for obtaining digital images and classifying those images. A protection card can be associated with anyone of the digital images. When a user desires to erase an image and the digital image includes the protection code, a warning is issued indicating that this particular image is protected. If no protection code is attached to the digital image and the image is part of a panorama, a warning is issued that the image is part of a panorama of images. At this point, a user can protect the image by the protection code or cancel the single image. In any scenario, a user must manually select the images to be erased. See paragraphs 136 through 149.

In contrast, embodiments of the present invention provide a device that acquires digital images and stores them in classifications. These classifications include panoramic images. If an image is selected to be erased and it is determined to be part of a panoramic series of images, then the image is prohibited from being erased independently. Thus, contrary to the Office Action's allegations, Toyofuku fails to teach or suggest an eraser which erases the selected

image...and prohibits the selected image to be erased from actually being erased independently if the determination device determines that the selected image to be erased relates to at least one of the plurality of images stored in the memory and a display which displays that the selected image to be erased is prohibited from being erased independently if the determination device determines that the selected image to be erased relates to at least one of the plurality of images stored in the memory, as recited in claims 1 and 6. In fact, as discussed above, Toyofuku teaches contrary to applicant's claimed invention by allowing the erasing of a single image by a user if desired after the image is determined to be part of panoramic series. See paragraphs 136-138. Therefore, Toyofuku cannot teach the selected image being prohibited from being erased independently.

Also, the Office Action alleges that Suzuki teaches the collective erasing of the images relating to each other. Applicant respectfully disagrees.

The Office Action asserts that the "main" image and "subordinate" images taught in Suzuki are the same as the panoramic images claimed by applicant. Applicant strongly submits that this understanding is incorrect. Suzuki defines the main and subordinate images at column 9, lines 49-59. The main image is a single image. The subordinate images are all derived from the main image. Thus, the subordinate images are not related images but the same as the main image except for being thinned out, contracted, etc. These definitions make sense since Suzuki's system is provided to improve retrieval of an image during a quick view. This retrieval is rendered more quickly when the image desired has been thinned

out or contracted and therefore there is less information to retrieve allowing for quicker rendering of that particular image.

In contrast, a panoramic series of images are each separate and distinct images. Each image represents a different view of a particular scene. Thus, the term panoramic.

Applicant agrees that Suzuki teaches collective erasing of subordinate images. However, in Suzuki's system, the main image is not erased with the subordinate images. Thus, Suzuki fails to disclose or suggest erasing the main image in a case where the subordinate images are selected to be erased. In contrast, the electronic camera of the present invention erases all images at once even though any one of the images that are related to each other is selected to be erased.

Further, Suzuki does not teach collective erasing of panoramic images and particularly not in the environment and manner claimed by applicant. In regarding the totality of the claimed invention, as each claim feature relates to each other, it is apparent that Suzuki neither teaches or suggests a decision device which decides whether to collectively erase a selected image and the at least one of the plurality of images relating to the selected image from the memory, wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality

of images relating to the selected image, as recited in independent claims 3, 4, 8, and 9.

Thus, the combination of Toyofuku and Suzuki fail to teach each and every feature of the claimed invention as required. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 3-5, 8 and 9 are distinguishable over the cited references. Favorable consideration and prompt allowance are earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/386,848

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491

MRC/CJB:cb
0879-0240P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000